

**§ 63.11588 What definitions apply to this subpart?**

*Chemical preparation* means a target HAP-containing product, or intermediate used in the manufacture of other products, manufactured in a process operation described by the NAICS code 325998 if the operation manufactures target HAP-containing products or intermediates other than indelible ink, India ink, writing ink, and stamp pad ink. Indelible ink, India ink, writing ink, and stamp pad ink manufacturing operations are subject to regulation by the paints and allied products area source rule (40 CFR part 63, subpart CCCCCC).

*Chemical preparations facility* means any facility-wide collection of chemical preparation operations.

*Chemical preparations operation* means the collection of mixing, blending, milling, and extruding equipment used to manufacture chemical preparations. A chemical preparation operation may include all, or only some, of the equipment listed above, depending on the chemical preparation being manufactured. Mixing and blending equipment may be used to process either wet or dry materials, or a combination of wet and dry materials. Milling equipment includes, but is not limited to, various types of rolling mills, rotary mills, and grinders. Extruding equipment, for the purposes of this subpart, includes direct and indirect extruders, spray driers, and prilling towers.

*Deviation* means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

- (1) Fails to meet any requirement or management practice established by this subpart;
- (2) Fails to meet any term or condition that is adopted to implement a requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or
- (3) Fails to meet any emissions limit.

*In target HAP service* means that equipment in the chemical preparation operation either contains, contacts, or is processing target HAP-containing materials.

*Leak* means a break in the integrity of the vent collection or control device

system (*i.e.*, in the duct work, piping, *etc.*) such that visual particulate emissions, liquids or residue form outside the vent collection system or control device.

*Process vent stream* means a gas stream from any equipment in target HAP service at the point where that gas stream is discharged from a vent collection system to the atmosphere, or inlet of a control device, if any.

*Research and development equipment* means any equipment whose primary purpose is to conduct research and development to develop new processes and products, where such equipment is operated under the close supervision of technically trained personnel and is not engaged in the manufacture of products for commercial sale in commerce, except in a *de minimis* manner.

*Responsible official* means one of the following:

- (1) For a corporation: A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more chemical preparations facilities;
- (2) For a partnership: A general partner;
- (3) For a sole proprietorship: The owner; or
- (4) For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking official.

*Target HAP* means metal compounds for chromium, lead, manganese, and nickel.

*Target HAP-containing* means raw materials, intermediates, or products that contain one or more target HAP. Any material that contains compounds of chromium (VI), lead, or nickel in amounts greater than or equal to 0.1 percent by weight (as the metal), or manganese or chromium (III) compounds in amounts greater than or equal to 1.0 percent by weight (as the metal) is considered to be target HAP-containing. Target HAP content is shown in the formulation data provided by the manufacturer or supplier, such

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as the Material Safety Data Sheet for the material.

*Unsafe or difficult to inspect* means the equipment cannot be inspected without elevating the inspection personnel more than two meters above a support

surface or it is not accessible at any-time in a safe manner.

*Vent collection system* means hoods, enclosures, ductwork and fans utilized to remove particulate emissions from chemical preparations operations work areas.

**TABLE 1 OF SUBPART BBBBBBB OF PART 63—EMISSION REDUCTION AND PM CONCENTRATION REQUIREMENTS**

For each * * *	You must * * *	Using * * *
1. Process Vent Stream from equipment in target HAP service.	Route the process vent stream to a PM control device with: a. A PM percent reduction efficiency of 95 percent (98 percent for new sources), or. b. An outlet concentration of 0.03 gr/dscf or less.	Vent collection system and PM control device, such as a wet scrubber or fabric filter, that are maintained and operated per manufacturer's recommendations.

**TABLE 2 OF SUBPART BBBBBBB OF PART 63—INITIAL COMPLIANCE DEMONSTRATION METHODS WITH THE EMISSION REDUCTION AND PM CONCENTRATION REQUIREMENTS**

If you are demonstrating compliance with the * * *	You must demonstrate initial compliance by one of the following methods * * *
1. Requirement to route all process vent streams from equipment in target HAP service to a PM control device with a PM percent reduction efficiency of 95 percent (98 percent for new sources) or an outlet concentration of 0.03 gr/dscf or less..	a. Perform a PM emissions test using the methods listed in Table 3 to this subpart; or b. Provide performance guarantee information from the control device manufacturer that certifies the device is capable of reducing PM concentrations by 95 percent (98 percent for new sources) or achieves an outlet concentration of 0.03 gr/dscf or less; or c. Provide engineering calculations, such as mass balance and flow rate calculations, that demonstrate that the control device is capable of reducing PM concentration from the chemical preparations operation process vent streams by 95 percent (98 percent for new sources) or achieving an outlet concentration of 0.03 gr/dscf or less.
2. Certification that all process vent streams from equipment in target HAP service will not contain a PM concentration greater than 0.03 gr/dscf.	a. Perform a PM emissions test using the methods listed in Table 3 to this subpart; or b. Provide engineering calculations, such as mass balance and flow rate calculations, that demonstrate that the PM concentration from the chemical preparations operation process vent streams will not be greater than 0.03 gr/dscf.

**TABLE 3 OF SUBPART BBBBBBB OF PART 63—TEST METHODS**

For * * *	You must use * * *
1. Selecting the sampling locations <sup>a</sup> and the number of traverse points.	EPA test method 1 or 1A in appendix A to part 60.
2. Determining the velocity and volumetric flow rate.	EPA test method 2, 2A, 2C, 2D, 2F, or 2G, as appropriate, in appendix A to part 60.
3. Determining the gas molecular weight used for flow rate determination.	EPA test method 3, 3A, 3B, as appropriate, in appendix A to part 60.
4. Measuring the moisture content of the stack gas.	EPA test method 4 in appendix A to part 60.
5. Measuring the PM emissions .....	EPA test method 5 in appendix A to part 60.

<sup>a</sup>The sampling locations must be located at the outlet of the process equipment (or control device, if applicable), prior to any releases to the atmosphere.

TABLE 4 OF SUBPART BBBBBBB OF PART 63—CONTINUOUS COMPLIANCE DEMONSTRATION METHODS WITH THE EMISSION REDUCTION AND PM CONCENTRATION REQUIREMENTS

If you are demonstrating compliance with the * * *	You must demonstrate continuous compliance by * * *
1. Requirement to route all process vent streams from equipment in target HAP service to a PM control device with a PM percent reduction efficiency of 95 percent (98 percent for new sources) or an outlet concentration of 0.03 gr/dscf or less.	Using one of the following monitoring methods: <ol style="list-style-type: none"> <li>A bag leak detector and alarm system, that notifies operators when a leak in the filter media is detected.</li> <li>A control device parameter monitor and alarm system, that notifies operators when the control device is operating outside of the upper or lower thresholds established by the control device manufacturer. Monitored parameters may include electricity supply to vent collection system fans, pressure drop across the control device, or scrubber liquor flow to the control device, as appropriate to the particulate matter control device being used.</li> <li>A CPMS, and maintaining records of data verifying that the vent collection system and control device were operated within the range of parameters established to comply with the emission reduction or 0.03 gr/dscf PM concentration requirements (<i>i.e.</i>, according to manufacturer's recommendations or at the conditions used during the most recent performance test) while the chemical preparations operation was in target HAP service. The control device monitoring data are averaged over a 24-hour period or an overall average per batch, whichever is less, while the chemical preparations operation is in target HAP service. Monitored parameters may include electricity supply to vent collection system fans, pressure drop across the control device, or scrubber liquor flow to the control device, as appropriate to the particulate matter control device being used.</li> </ol>
2. Certification that all process vent streams from equipment in target HAP service will not contain a PM concentration greater than 0.03 gr/dscf.	<ol style="list-style-type: none"> <li>Conducting monthly visual inspections of the vent collection system ductwork for leaks.</li> </ol>

TABLE 5 OF SUBPART BBBBBBB OF PART 63—REPORTING REQUIREMENTS

If you are demonstrating compliance with the * * *	You must submit a compliance report as follows * * *
1. Requirement to route all process vent streams from equipment in target HAP service to a PM control device with a PM percent reduction efficiency of 95 percent (98 percent for new sources) or an outlet concentration of 0.03 gr/dscf or less.	<ol style="list-style-type: none"> <li>An initial notice of compliance status report (NOCSR) as specified in § 63.11585(b)(3), and then as follows in (b) or (c) as applicable to you:               <ol style="list-style-type: none"> <li>If there were no deviations during the reporting period, you must submit an annual report containing:                   <ol style="list-style-type: none"> <li>A statement that there were no deviations from the requirement to route all process vent streams from equipment in target HAP service to a PM control device that achieves a PM percent reduction efficiency of 95 percent (98 percent for new sources) or an outlet concentration of 0.03 gr/dscf or less during the reporting period.</li> <li>If there were no periods during which the process vent collection system and control device was not operating normally (<i>i.e.</i>, according to manufacturer's recommendations or at the conditions used during the most recent performance test), a statement that the vent collection system and control device were operated normally at all times during the reporting period.</li> </ol> </li> <li>If you have a deviation from the requirement to route all process vent streams from equipment in target HAP service to a PM control device that achieves a PM percent reduction efficiency of 95 percent (98 percent for new sources) or to an outlet concentration of 0.03 gr/dscf or less, or periods where the vent collection system or control device were not operated normally, then you must submit a semi-annual report for that reporting period. The report must contain the information specified in § 63.11585(c).</li> </ol> </li> </ol>
2. Certification that all process vent streams from equipment in target HAP service will not contain a PM concentration greater than 0.03 gr/dscf.	<ol style="list-style-type: none"> <li>An initial NOCSR as specified in § 63.11585(b)(3) that contains the following items:               <ol style="list-style-type: none"> <li>A statement certifying that all process vent streams from equipment in target HAP service will not contain a PM concentration greater than 0.03 gr/dscf. The statement shall contain that official's name, title, and signature, certifying the truth, accuracy, and completeness of the certification statement.</li> <li>Test results or engineering calculations that demonstrate process vent streams covered by the certification will not contain a PM concentration greater than 0.03 gr/dscf.</li> </ol> </li> </ol>

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TABLE 6 OF SUBPART BBBBBBB OF PART 63—GENERAL PROVISIONS

Citation	Subject	Applies to subpart BBBBBBB
§ 63.1 .....	Applicability .....	Yes.
§ 63.2 .....	Definitions .....	Yes.
§ 63.3 .....	Units and Abbreviations .....	Yes.
§ 63.4 .....	Prohibited Activities .....	Yes.
§ 63.5 .....	Construction/Reconstruction .....	Yes.
§ 63.6(a)–(d) .....	Compliance with Standards and Maintenance Requirements.	Yes.
§ 63.6(e)(1)(i)–(ii) .....	Operation and Maintenance Requirements .....	No.
§ 63.6(e)(1)(iii) .....	Operation and Maintenance Requirements .....	Yes.
§ 63.6(e)(2) .....	[Reserved].	
§ 63.6(e)(3) .....	Startup, Shutdown, and Malfunction Plan .....	No. Subpart BBBBBBB does not require startup, shutdown, and malfunction plans.
§ 63.6(f)(1) .....	Compliance with Non-Opacity Emissions Standards—Applicability.	No. The emission limits apply at all times.
§ 63.6(f)(2)–(3) .....	Methods for Determining Compliance and Finding of Compliance.	Yes.
§ 63.6(g) .....	Use of an Alternative Non-Opacity Emission Standard.	Yes.
§ 63.6(h) .....	Opacity/Visible Emission (VE) Standards .....	No. Subpart BBBBBBB does not contain opacity or VE standards.
§ 63.6(i) .....	Compliance Extension .....	Yes.
§ 63.6(j) .....	Presidential Compliance Exemption .....	Yes.
§ 63.7(a)–(d) .....	Performance Testing Requirements .....	Yes.
§ 63.7(e)(1) .....	Performance Testing Requirements .....	No. Subpart BBBBBBB specifies the conditions under which performance tests must be conducted.
§ 63.7(e)(2)–(4) .....	Conduct of Performance Tests and Data Reduction	Yes.
§ 63.7(f)–(h) .....	Use of Alternative Test Method; Data Analysis, Recordkeeping, and Reporting; and Waiver of Performance Tests.	Yes.
§ 63.8(a)(1) .....	Applicability of Monitoring Requirements .....	Yes.
§ 63.8(a)(2) .....	Performance Specifications .....	No. Subpart BBBBBBB does not require CEMS to demonstrate compliance.
§ 63.8(a)(3) .....	[Reserved].	
§ 63.8(a)(4) .....	Monitoring with Flares .....	No.
§ 63.8(b)(1) .....	Monitoring .....	Yes.
§ 63.8(b)(2)–(3) .....	Multiple Effluents and Multiple Monitoring Systems	Yes.
§ 63.8(c)(1) .....	Monitoring System Operation and Maintenance .....	Yes.
§ 63.8(c)(1)(i) .....	CMS maintenance .....	Yes.
§ 63.8(c)(1)(ii) .....	Spare Parts for CMS Malfunction .....	Yes.
§ 63.8(c)(1)(iii) .....	Compliance with Operation and Maintenance Requirements.	No. Subpart BBBBBBB does not require startup, shutdown, and malfunction plans.
§ 63.8(c)(2)–(3) .....	Monitoring System Installation .....	Yes.
§ 63.8(c)(4) .....	CMS Requirements .....	No. Subpart BBBBBBB does not require CEMS to demonstrate compliance.
§ 63.8(c)(5) .....	COMS Minimum Procedures .....	No. Subpart BBBBBBB does not contain opacity or VE standards.
§ 63.8(c)(6) .....	CMS Requirements .....	Yes, for CPMS provisions only. Subpart BBBBBBB does not require CEMS to demonstrate compliance.
§ 63.8(c)(7)–(8) .....	CMS Requirements .....	No. Subpart BBBBBBB does not require CEMS to demonstrate compliance.
§ 63.8(d) .....	CMS Quality Control .....	No. Subpart BBBBBBB does not require CEMS to demonstrate compliance.
§ 63.8(e)–(g) .....	CMS Performance Evaluation .....	No. Subpart BBBBBBB does not require CEMS to demonstrate compliance.
§ 63.9 .....	Notification Requirements .....	Yes. Except Initial Notification shall be submitted in accordance with the schedule in § 63.11585.
§ 63.10(a),(b)(1), (b)(2)(viii)–(xi),(c), (e)(1), (e)(2)(i), (f).	Recordkeeping and Reporting Requirements .....	Yes.
§ 63.11 .....	Control Device and Work Practice Requirements .....	Yes.
§ 63.12 .....	State Authority and Delegations .....	Yes.
§ 63.13 .....	Addresses of State Air Pollution Control Agencies and EPA Regional Offices.	Yes.

Citation	Subject	Applies to subpart BBBBBBB
§ 63.14 .....	Incorporations by Reference .....	Yes.
§ 63.15 .....	Availability of Information and Confidentiality .....	Yes.
§ 63.16 .....	Performance Track Provisions .....	No.

**Subpart CCCCCC—National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing**

SOURCE: 74 FR 63525, Dec. 3, 2009, unless otherwise noted.

**APPLICABILITY AND COMPLIANCE DATES**

**§ 63.11599 Am I subject to this subpart?**

(a) You are subject to this subpart if you own or operate a facility that performs paints and allied products manufacturing that is an area source of hazardous air pollutant (HAP) emissions and processes, uses, or generates materials containing HAP, as defined in § 63.11607.

(b) The affected source consists of all paints and allied products manufacturing processes that process, use, or generate materials containing HAP at the facility.

(1) An affected source is existing if you commenced construction or reconstruction before June 1, 2009.

(2) An affected source is new if you commenced construction or reconstruction of the affected source on or after June 1, 2009.

(3) A facility becomes an affected source when you commence processing, using, or generating materials containing HAP, as defined in § 63.11607.

(c) You are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not otherwise required by law to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a). Whether you have a title V permit or not, you must continue to comply with the provisions of this subpart.

(d) An affected source is no longer subject to this subpart if the facility no longer processes, uses, or generates materials containing HAP and does not plan to process, use or generate materials containing HAP in the future.

(e) The standards of this subpart do not apply to research and development facilities, as defined in section 112(c)(7) of the CAA.

[74 FR 63525, Dec. 3, 2009, as amended at 75 FR 10186, Mar. 5, 2010]

**§ 63.11600 What are my compliance dates?**

(a) If you own or operate an existing affected source, you must achieve compliance with the applicable provisions in this subpart by December 3, 2012.

(b) If you own or operate a new affected source, you must achieve compliance with the applicable provisions of this subpart by December 3, 2009, or upon startup of your affected source, whichever is later.

(c) If you own or operate a facility that becomes an affected source in accordance with § 63.11599(b)(3) after the applicable compliance date in paragraphs (a) or (b) of this section, you must achieve compliance with the applicable provisions of this subpart by the date that you commence processing, using, or generating materials containing HAP, as defined in § 63.11607.

**STANDARDS, MONITORING, AND COMPLIANCE REQUIREMENTS**

**§ 63.11601 What are the standards for new and existing paints and allied products manufacturing facilities?**

(a) For each new and existing affected source, you must comply with the requirements in paragraphs (a)(1) through (5) of this section. These requirements apply at all times.

(1) You must add the dry pigments and solids that contain compounds of cadmium, chromium, lead, or nickel and operate a capture system that minimizes fugitive particulate emissions during the addition of dry pigments and solids that contain compounds of cadmium, chromium, lead, or nickel to a process vessel or to the grinding and milling process.